

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE ANNUITY, PENSION, WELFARE,  
TRAINING AND LABOR MANAGEMENT  
COOPERATION TRUST FUNDS OF THE  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL 14-14B, AFL-CIO, et al.,

Plaintiffs,

v.

CASABELLA CONTRACTING OF NY, INC.,

Defendant.  
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**ORDER**

No. 21-CV-09532 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiffs commenced the instant action on November 17, 2021. (Doc. 1). On January 10, 2022, Plaintiffs obtained a Clerk's Certificate of Default against Defendant (Doc. 9), and the Court thereafter issued an Order to Show Cause why judgment by default should not be entered (Doc. 18). Subsequent to service of the Order to Show Cause, counsel for Defendant entered an appearance, Plaintiffs withdrew their motion for default judgment, and the time for Defendant to answer or otherwise respond to the Complaint was extended to March 4, 2022. (Docs. 20—26). On March 4, 2022, Defendant filed its answer and on March 8, 2022, the Court scheduled an initial conference to be held on May 3, 2022. (Docs. 28, 29). On April 27, 2022, however, the Court was advised that Defendant filed a Chapter 11 Voluntary Petition for Bankruptcy in the United States Bankruptcy Court for the Southern District of New York and accordingly, all claims against Defendant were automatically stayed pursuant to 11 U.S.C. § 362. (Docs. 30, 31). The Court directed that Plaintiffs update the Court regarding the status of the bankruptcy proceeding every 120 days. (Doc. 31).

Plaintiffs complied with the Court's order by filing status letters on August 24, 2022 (Doc.


32), December 22, 2022 (Doc. 33), and April 24, 2023 (Doc. 34), but have not filed a status letter to date.

It appears, based upon the Court's own review of the docket, that the bankruptcy proceedings remain ongoing. (*See In re Casabella Contracting of NY, Inc.*, No. 22-22205-shl (Bankr. S.D.N.Y.)).

The Court will issue an order administratively closing this case without prejudice to reopen within 30 days of the conclusion of the bankruptcy proceedings unless, by January 5, 2024, the parties advise the Court by letter filed via ECF why this stayed case should remain open and active on the Court's docket.

SO ORDERED.

Dated: White Plains, New York  
December 22, 2023

  
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Philip M. Halpern  
United States District Judge